

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Stevie Allen Feimster,)	C/A No. 4:10-531-JFA-TER
)	
Petitioner,)	
vs.)	
)	ORDER
Warden, FCI Edgefield,)	
)	
Respondent.)	
_____)	

The *pro se* petitioner, Stevie Allen Feimster, brings this action pursuant to 28 U.S.C. § 2241 challenging the application of his state court conviction to the federal sentence he is currently serving.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be dismissed because this court lacks subject-matter jurisdiction. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The petitioner was advised of his right to file objections to the Report and Recommendation which was entered on the docket on September 16, 2010. However, the petitioner did not file any objections to the Report within the time limits prescribed.

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed without prejudice for lack of subject-matter jurisdiction under Rule 12(h)(3) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, flowing style.

Joseph F. Anderson, Jr.
United States District Judge

October 25, 2010, 2010
Columbia, South Carolina